

**SIXTEENTH DAY - JANUARY 29, 2004****LEGISLATIVE JOURNAL****NINETY-EIGHTH LEGISLATURE  
SECOND SESSION****SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 29, 2004

**PRAYER**

The prayer was offered by Pastor Milton Bryarly, South Side Christian Church, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brown, Byars, Hartnett, Janssen, Jensen, and Mines who were excused until they arrive.

**SPEAKER BROMM PRESIDING****CORRECTIONS FOR THE JOURNAL**

The Journal for the fifteenth day was approved.

**SELECT COMMITTEE REPORT  
Enrollment and Review**

**LEGISLATIVE BILL 139.** Placed on Select File as amended.

E & R amendment to LB 139:

AM7165

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 29-4103, Revised Statutes
- 4 Supplement, 2002, is amended to read:
- 5 29-4103. For purposes of the DNA Detection of Sexual and
- 6 Violent Offenders Act:
- 7 (1) Combined DNA Index System means the Federal Bureau of
- 8 Investigation's national DNA identification index system that
- 9 allows the storage and exchange of DNA records submitted by state
- 10 and local forensic DNA laboratories;
- 11 (2) DNA means deoxyribonucleic acid which is located in

12 the cells and provides an individual's personal genetic blueprint.  
13 DNA encodes genetic information that is the basis of human heredity  
14 and forensic identification;

15 (3) DNA record means the DNA identification information  
16 stored in the State DNA Data Base or the Combined DNA Index System  
17 which is derived from DNA typing test results;

18 (4) DNA sample means a blood, tissue, or bodily fluid ~~or~~  
19 ~~tissue~~ sample provided by any person with respect to offenses  
20 covered by the DNA Detection of Sexual and Violent Offenders Act  
21 for analysis or storage, or both;

22 (5) DNA typing tests means the laboratory procedures  
23 which evaluate the characteristics of a DNA sample which are of  
24 value in establishing the identity of an individual;

1 (6) Felony sex offense means a felony offense, or an  
2 attempt, conspiracy, or solicitation to commit a felony offense,  
3 under any of the following:

4 (a) Kidnapping of a minor pursuant to section 28-313,  
5 except when the person is the parent of the minor and was not  
6 convicted of any other offense in this subdivision;

7 (b) Incest of a minor pursuant to section 28-703;

8 (c) Sexual assault in the first or second degree pursuant  
9 to section 28-319 or 28-320;

10 (d) Sexual assault of a child pursuant to section  
11 28-320.01;

12 (e) Sexual assault of a vulnerable adult pursuant to  
13 subdivision (1)(c) of section 28-386; and

14 (f) False imprisonment of a minor in the first degree  
15 pursuant to section 28-314, except when the person is the parent of  
16 the minor and was not convicted of any other offense in this  
17 subdivision;

18 (7) Law enforcement agency includes a police department,  
19 a town marshal, a county sheriff, and the Nebraska State Patrol;

20 (8) Other specified offense means an offense, or an  
21 attempt, conspiracy, or solicitation to commit an offense, under  
22 any of the following:

23 (a) Murder in the first degree pursuant to section  
24 28-303;

25 (b) Murder in the second degree pursuant to section  
26 28-304;

27 (c) Manslaughter pursuant to section 28-305; ~~or~~

1 (d) Stalking pursuant to sections 28-311.02 to 28-311.05;

2 (e) Burglary pursuant to section 28-507; or

3 (f) Robbery pursuant to section 28-324; and

4 (9) Released means any release, parole, furlough, work  
5 release, prerelease, or release in any other manner from a prison,  
6 a jail, or any other detention facility or institution.

7 Sec. 2. Section 29-4104, Revised Statutes Supplement,  
8 2002, is amended to read:

9 29-4104. The State DNA Data Base is established. The

10 Nebraska State Patrol shall administer the State DNA Data Base, by  
11 providing a nonsworn, nonuniformed officer, preferably with DNA  
12 laboratory experience, who will act as an administrator and  
13 supervisor in control of DNA testing procedures, and shall provide  
14 DNA records to the Federal Bureau of Investigation for storage and  
15 maintenance in the Combined DNA Index System. The patrol shall  
16 provide for liaison with the Federal Bureau of Investigation and  
17 other law enforcement agencies in regard to the state's  
18 participation in the Combined DNA Index System. The State DNA Data  
19 Base shall store and maintain DNA records related to:

- 20 (1) Forensic casework, including, but not limited to,  
21 forensic casework relating to missing persons, relatives of missing  
22 persons, and unidentified human remains;  
23 (2) Convicted offenders required to provide a DNA sample  
24 under the DNA Detection of Sexual and Violent Offenders Act; ~~and~~  
25 (3) Anonymous DNA records used for research or quality  
26 control; and  
27 (4) Missing persons, relatives of missing persons, and  
1 unidentified human remains.

2 Sec. 3. Section 29-4105, Revised Statutes Supplement,  
3 2002, is amended to read:

4 29-4105. (1) The Nebraska State Patrol shall prescribe  
5 procedures to be used in the collection, submission,  
6 identification, analysis, storage, and disposition of DNA samples  
7 in the State DNA Sample Bank and DNA records ~~under the DNA~~  
8 ~~Detection of Sexual and Violent Offenders Act~~ in the State DNA Data  
9 Base. These procedures shall also include quality assurance  
10 guidelines for laboratories which submit DNA records to the State  
11 DNA Data Base and shall require that all laboratories be accredited  
12 by the American Society of Crime Laboratory  
13 Directors-LAB-Laboratory Accreditation Board or the National  
14 Forensic Science Technology Center or by any other national  
15 accrediting body or public agency which has requirements that are  
16 substantially equivalent to or more comprehensive than those of the  
17 society or center. The State DNA Data Base shall be compatible  
18 with the procedures specified by the Federal Bureau of  
19 Investigation, including the use of comparable test procedures,  
20 laboratory equipment, supplies, and computer software. The DNA  
21 records shall be securely stored in the State DNA Data Base and  
22 retained in a manner consistent with the procedures established by  
23 the Federal Bureau of Investigation.

24 (2) The Nebraska State Patrol may contract with the  
25 University of Nebraska Medical Center to establish the State DNA  
26 Sample Bank at the medical center and for DNA typing tests. The  
27 State DNA Sample Bank shall serve as the repository of DNA samples  
1 collected under the ~~act~~ DNA Detection of Sexual and Violent  
2 Offenders Act and other forensic casework. The University of  
3 Nebraska Medical Center ~~in contracting under the act~~ is would be  
4 subject to the same restrictions and requirements of the act,

5 insofar as applicable, as the Nebraska State Patrol, as well as any  
6 additional restrictions imposed by the patrol.

7 (3) The DNA samples and DNA records shall only be used by  
8 the Nebraska State Patrol (a) to create a separate population data  
9 base comprised of DNA records obtained ~~under the act~~ after all  
10 personal identification is removed and (b) for quality assurance,  
11 training, and research purposes related to human DNA

12 identification. The patrol may share or disseminate the population  
13 data base with other law enforcement agencies or forensic DNA  
14 laboratories which assist the patrol with statistical data bases.

15 The population data base may be made available to and searched by  
16 other agencies participating in the Combined DNA Index System.

17 (4) Except for records and samples expunged under section  
18 29-4109, the Nebraska State Patrol shall permanently retain DNA  
19 samples and records of an individual obtained under section  
20 29-4106. Any other DNA samples and records related to forensic  
21 casework, other than those used for research or quality control,  
22 shall not be permanently retained but shall be retained only as  
23 long as needed for a criminal investigation or criminal  
24 prosecution.

25 (5) If the Nebraska State Patrol determines after  
26 analysis that a forensic sample has been submitted by an individual  
27 who has been eliminated as a suspect in a crime, the patrol or the  
1 law enforcement agency which submitted the sample shall destroy the  
2 DNA sample and record in the presence of a witness. After  
3 destruction, the patrol or law enforcement agency shall make and  
4 keep a written record of the destruction, signed by the individual  
5 who witnessed the destruction. After the patrol or the law  
6 enforcement agency destroys the DNA sample and record, it shall  
7 notify the individual if he or she is not a minor or the parent or  
8 legal guardian of a minor by certified mail that the sample and  
9 record have been destroyed. Destruction of a DNA sample and record  
10 under this section shall not be considered the offense of tampering  
11 with physical evidence under section 28-922.

12 Sec. 4. Section 29-4106, Revised Statutes Supplement,  
13 2002, is amended to read:

14 29-4106. (1) A person who is convicted of a felony sex  
15 offense or other specified offense on or after ~~September 13, 1997~~  
16 the effective date of this act, who has not already had a DNA  
17 sample taken pursuant to this section, shall have a DNA sample  
18 ~~drawn taken~~:

19 (a) Upon intake to a prison, jail, or other detention  
20 facility or institution to which such person is sentenced. If the  
21 person is already confined at the time of sentencing, the person  
22 shall have a DNA sample ~~drawn taken~~ immediately after the  
23 sentencing. Such DNA samples shall be ~~drawn taken~~ at the place of  
24 incarceration or confinement. Such person shall not be released  
25 unless and until a DNA sample has been ~~drawn taken~~; or

26 (b) As a condition for any sentence which will not

27 involve an intake into a prison, jail, or other detention facility  
1 or institution. Such DNA samples shall be ~~drawn~~ taken at a  
2 detention facility or institution as specified by the court. Such  
3 person shall not be released unless and until a DNA sample has been  
4 ~~drawn~~ taken.

5 (2) A person who has been convicted of a felony sex  
6 offense or other specified offense before ~~September 13, 1997~~ the  
7 effective date of this act, who has not already had a DNA sample  
8 taken pursuant to this section, and who is still serving a term of  
9 confinement for such offense on ~~September 13, 1997~~ the effective  
10 date of this act, shall not be released prior to the expiration of  
11 his or her maximum term of confinement unless and until a DNA  
12 sample has been ~~drawn~~ taken.

13 Sec. 5. Section 29-4108, Revised Statutes Supplement,  
14 2002, is amended to read:

15 29-4108. (1) All DNA samples and DNA records submitted  
16 ~~pursuant to the DNA Detection of Sexual and Violent Offenders Act~~  
17 to the State DNA Sample Bank or the State DNA Data Base are  
18 confidential except as otherwise provided in the ~~act~~ DNA Detection  
19 of Sexual and Violent Offenders Act. The Nebraska State Patrol  
20 shall make DNA records in the State DNA Data Base available:

21 (a) To law enforcement agencies and forensic DNA  
22 laboratories which serve such agencies; and

23 (b) Upon written or electronic request and in furtherance  
24 of an official investigation of a criminal offense or offender or  
25 suspected offender.

26 (2) The Nebraska State Patrol shall adopt and promulgate  
27 rules and regulations governing the methods of obtaining  
1 information from the State DNA Data Base and the Combined DNA Index  
2 System and procedures for verification of the identity and  
3 authority of the requester.

4 (3) The Nebraska State Patrol may, for good cause shown,  
5 revoke or suspend the right of a forensic DNA laboratory in this  
6 state to have access to or submit records to the State DNA Data  
7 Base.

8 (4) For purposes of this subsection, person means a law  
9 enforcement agency, the Federal Bureau of Investigation, any  
10 forensic DNA laboratory, or person. No records or DNA samples  
11 shall be provided to any person unless such person enters into a  
12 written agreement with the Nebraska State Patrol to comply with the  
13 provisions of section 29-4109 relative to expungement, when  
14 notified by the Nebraska State Patrol that expungement has been  
15 granted. Every person shall comply with the provisions of section  
16 29-4109 within ten calendar days of receipt of such notice and  
17 certify in writing to the Nebraska State Patrol that such  
18 compliance has been effectuated. The Nebraska State Patrol shall  
19 provide notice of such certification to the person who was granted  
20 expungement.

21 Sec. 6. Original sections 29-4103 to 29-4106 and  
 22 29-4108, Revised Statutes Supplement, 2002, are repealed."  
 23 2. On page 1, strike beginning with "DNA" in line 1  
 24 through line 5 and insert "the DNA Detection of Sexual and Violent  
 25 Offenders Act; to amend sections 29-4103 to 29-4106 and 29-4108,  
 26 Revised Statutes Supplement, 2002; to redefine terms; to change  
 27 provisions relating to the State DNA Data Base and State DNA Sample  
 1 Bank, taking and use of DNA samples, and use of DNA records; to  
 2 harmonize provisions; and to repeal the original sections.".

(Signed) Ray Mossey, Chairperson

## **STANDING COMMITTEE REPORTS**

### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 864.** Placed on General File as amended.  
 Standing Committee amendment to LB 864:  
 AM2272

1 1. Insert the following new section:  
 2 "Sec. 2. This act becomes operative on January 1,  
 3 2005."  
 4 2. On page 4, line 3, after the semicolon insert "or";  
 5 strike beginning with "an" in line 4 through "(3)" in line 7; in  
 6 lines 13 and 14 strike "subdivisions (1) and (2)" and insert  
 7 "subdivision (1)"; in line 18, strike "(3)" and insert "(2)"; and  
 8 in line 19, strike "comparable to" and insert "more favorable  
 9 than".  
 10 3. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 999.** Placed on General File as amended.  
 (Standing Committee amendment, AM2339, is printed separately and  
 available in the Bill Room, Room 1104.)

(Signed) Mark Quandahl, Chairperson

## **ANNOUNCEMENT**

Senator Aguilar designates LB 969 as his priority bill.

## **REPORTS**

The following reports were received by the Legislature:

### **Boys Town National Research Hospital**

Tobacco Settlement Biomedical Research Development Fund Progress  
 Report

### **Creighton University**

Tobacco Settlement Biomedical Research Development Fund Progress  
 Report

**Health and Human Services System**

Office of the System Advocate Quarterly Report, October-December 2003

**Performance Audit Committee, Legislative**

Annual Report to the Legislature, Fiscal Year 2002-2003

**University of Nebraska**

Tobacco Settlement Biomedical Research Development Fund Progress Report

**University of Nebraska Medical Center**

Tobacco Settlement Biomedical Research Development Fund Progress Report

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 28, 2004, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

Chermok, Ruth  
Electrical Contractors Association, National

Fahleson, Mark A.  
Linweld, Inc.

Gale, Kristine  
Fair Board, Nebraska State

Peters, William E.  
Cigar Association of America, Inc.

Plucker, Julia  
Childrens Healthcare Services

Radcliffe, Walter H. of Radcliffe & Associates  
Home Builders Association, Nebraska State

Wimmer, J. Kent  
Western Sugar Company (CO)

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 355.** With Emergency.

A BILL FOR AN ACT relating to income tax; to amend section 77-2716.01,

Reissue Revised Statutes of Nebraska; to change provisions relating to standard deduction amounts; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Aguilar	Connealy	Jones	Preister	Stuthman
Baker	Cudaback	Kremer	Price	Synowiecki
Beutler	Cunningham	Kruse	Quandahl	Thompson
Bourne	Engel	Landis	Raikes	Tyson
Brashear	Erdman	Louden	Redfield	Vrtiska
Bromm	Foley	Maxwell	Schimek	Wehrbein
Burling	Friend	McDonald	Schrock	
Chambers	Hudkins	Mossey	Smith	
Combs	Johnson	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Excused and not voting, 7:

Brown	Hartnett	Jensen	Pederson, D.
Byars	Janssen	Mines	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 810.**

A BILL FOR AN ACT relating to the Ethanol Pricing Task Force; to eliminate provisions governing the task force which terminated on December 31, 2000; and to outright repeal section 66-1350, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:



Aguilar	Connealy	Jones	Preister	Stuthman
Baker	Cudaback	Kremer	Price	Synowiecki
Beutler	Cunningham	Kruse	Quandahl	Thompson
Bourne	Engel	Landis	Raikes	Tyson
Brashear	Erdman	Louden	Redfield	Vrtiska
Bromm	Foley	Maxwell	Schimek	Wehrbein
Burling	Friend	McDonald	Schrock	
Chambers	Hudkins	Mossey	Smith	
Combs	Johnson	Pedersen, Dw.	Stuhr	

Voting in the negative, 0.

Excused and not voting, 7:

Brown	Hartnett	Jensen	Pederson, D.
Byars	Janssen	Mines	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 811.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3901, Reissue Revised Statutes of Nebraska; to eliminate obsolete provisions; to harmonize provisions; to repeal the original section; and to outright repeal sections 77-27,138.01, 77-3530, and 77-3909, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Connealy	Johnson	Mossey	Smith
Baker	Cudaback	Jones	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Kremer	Preister	Stuthman
Bourne	Engel	Kruse	Price	Synowiecki
Brashear	Erdman	Landis	Quandahl	Thompson
Bromm	Foley	Louden	Raikes	Tyson
Burling	Friend	Maxwell	Redfield	Vrtiska
Chambers	Hudkins	McDonald	Schimek	Wehrbein
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 5:

Brown	Byars	Hartnett	Jensen	Pederson, D.
-------	-------	----------	--------	--------------

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 812.**

A BILL FOR AN ACT relating to minibikes; to amend section 60-6,347, Reissue Revised Statutes of Nebraska; to harmonize provisions with Laws 2003, LB 333; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Connealy	Johnson	Mossey	Smith
Baker	Cudaback	Jones	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Kremer	Preister	Stuthman
Bourne	Engel	Kruse	Price	Synowiecki
Brashear	Erdman	Landis	Quandahl	Thompson
Bromm	Foley	Louden	Raikes	Tyson
Burling	Friend	Maxwell	Redfield	Vrtiska
Chambers	Hudkins	McDonald	Schimek	Wehrbein
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 5:

Brown	Byars	Hartnett	Jensen	Pederson, D.
-------	-------	----------	--------	--------------

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 813 with 40 ayes, 2 nays, 2 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 813.**

A BILL FOR AN ACT relating to statutory forms; to amend sections 10-505, 12-522, 15-813, 19-3005, 19-3006, 19-3007.01, 19-3037, 23-1802, 23-1809, 30-2329, 30-3408, 31-324, 31-331, 31-333, 32-812, 32-934, 32-1040, 32-1401, 32-1402, 49-218, 49-1522, 49-1559, 53-135.01, 53-1,108, 54-403, 57-202, 58-525, 76-1004, 76-1007, 76-1008, 76-1012, 77-1819, 77-1839, and 77-3204, Reissue Revised Statutes of Nebraska; to

change certain forms for the twenty-first century; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Connealy	Johnson	Mossey	Smith
Baker	Cudaback	Jones	Pedersen, Dw.	Stuhr
Beutler	Cunningham	Kremer	Preister	Stuthman
Bourne	Engel	Kruse	Price	Synowiecki
Brashear	Erdman	Landis	Quandahl	Thompson
Bromm	Foley	Louden	Raikes	Tyson
Burling	Friend	Maxwell	Redfield	Vrtiska
Chambers	Hudkins	McDonald	Schimek	Wehrbein
Combs	Janssen	Mines	Schrock	

Voting in the negative, 0.

Excused and not voting, 5:

Brown	Byars	Hartnett	Jensen	Pederson, D.
-------	-------	----------	--------	--------------

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 355, 810, 811, 812, and 813.

### **RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR 223 was adopted.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 223.

### **SELECT FILE**

**LEGISLATIVE BILL 454.** E & R amendment, AM7110, found on page 1318, First Session, 2003, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 172.** Senator Foley withdrew his pending amendment, AM2182, found on page 177.

Senator Schimek renewed her pending amendment, AM2209, found on page 211.

### **SENATOR CUDABACK PRESIDING**

Senator Chambers offered the following amendment to the Schimek pending amendment:

FA1437

Amend AM2209

In line 9 strike "for" and insert "to"

Senator Chambers withdrew his amendment.

Pending.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on January 29, 2004, at 9:55 a.m. were the following: LBs 355e, 810, 811, 812, and 813.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 230.** Introduced by Combs, 32; McDonald, 41.

WHEREAS, rural schools provide a quality education for approximately 150,000 students in Nebraska; and

WHEREAS, rural schools provide a community-based education that links children to their community, its history, and its future; and

WHEREAS, rural schools encourage students to participate in extracurricular activities to develop their talents and leadership skills; and

WHEREAS, rural schools are the center of social and community-based activities in many small towns and rural areas and provide many economic development and social benefits to rural places and rural people.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That February 3, 2004, be declared Rural Education Day in Nebraska.

Laid over.

**STANDING COMMITTEE REPORTS****Agriculture**

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Beginning Farmer Board  
Timothy Schram

VOTE: Aye: Senators Kremer, Erdman, Burling, Cunningham, and Preister.  
Nay: None. Absent: Senators Chambers, Mossey, and Vrtiska.

(Signed) Bob Kremer, Chairperson

**Natural Resources**

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Nebraska Power Review Board  
Eugene Bade

VOTE: Aye: Senators Friend, Hudkins, Jones, Kremer, Loudon, Preister, and Schrock. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

**Revenue**

The Revenue Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Tax Equalization and Review Commission  
Robert L. Hans

VOTE: Aye: Senators Baker, Bourne, Connealy, Landis, Raikes, and Redfield. Nay: None. Absent: Senators Hartnett and Janssen.

(Signed) David Landis, Chairperson

**NOTICE OF COMMITTEE HEARINGS****Health and Human Services**

Room 1510

LB 1237	Thursday, February 5, 2004	1:30 p.m.
LB 1054	Thursday, February 5, 2004	1:30 p.m.
LB 1145	Thursday, February 5, 2004	1:30 p.m.

(Signed) Jim Jensen, Chairperson

**Natural Resources**  
Room 1525

Friday, February 6, 2004	1:30 p.m.
Steve Oltmans - Environmental Quality Council	
Jodi Thompson - Environmental Quality Council	

(Signed) Ed Schrock, Chairperson

**AMENDMENT - Print in Journal**

Senator Schrock filed the following amendment to LB 32:  
AM2366

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. Section 2-3225, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 2-3225. Each In addition to the levy provided in section  
6 6 of this act, each district shall have the power and authority to  
7 levy a tax of not to exceed four and one-half cents on each one  
8 hundred dollars of taxable valuation annually on all of the taxable  
9 property within such district unless a higher levy is authorized  
10 pursuant to section 77-3444. The proceeds of such tax shall be  
11 used, together with any other funds which the district may receive  
12 from any source, for the operation of the district. When adopted  
13 by the board, the levy shall be certified by the secretary to the  
14 county clerk of each county which in whole or in part is included  
15 within the district. Such levy shall be handled by the counties in  
16 the same manner as other levies, and proceeds shall be remitted to  
17 the district treasurer. Such levy shall not be considered a part  
18 of the general county levy and shall not be considered in  
19 connection with any limitation on levies of such counties.  
20 Sec. 2. (1) Any city required by federal law to develop,  
21 establish, and implement storm water management programs and secure  
22 a storm water discharge permit under the National Pollutant  
23 Discharge Elimination System created pursuant to the federal Clean  
24 Water Act of 1977, 33 U.S.C. 1251 et seq., may develop, establish,  
25 and implement storm water management programs and projects as  
26 required by federal law and the capital improvements required for  
27 such storm water management programs and projects.  
28 (2) Any city described in subsection (1) of this section  
29 may acquire by gift, grant, purchase, or condemnation necessary  
30 land for such storm water management programs and projects.

7 Sec. 3. For the purpose of developing, establishing, and  
8 implementing storm water management programs and projects as  
9 required by federal law and funding the capital improvements and  
10 operation and maintenance costs of such storm water management  
11 programs and projects, a city described in section 2 of this act  
12 may make a special levy, not subject to the budgetary limitations  
13 specified in section 13-519 and not subject to the levy limitations  
14 specified in section 77-3442, which levy shall not exceed five  
15 cents on each one hundred dollars upon the taxable value of all the  
16 taxable property in such city. The proceeds of the tax shall be  
17 placed in a separate fund and shall not be used for any purpose  
18 other than developing, establishing, and implementing storm water  
19 management programs and projects as required by federal law and  
20 funding the capital improvements and the operation and maintenance  
21 costs of such storm water management programs and projects and for  
22 the retirement of revenue bonds issued pursuant to section 4 of  
23 this act.

24 Sec. 4. A city described in section 2 of this act may  
25 issue revenue bonds for the purpose of developing, establishing,  
26 and implementing storm water management programs and projects and  
27 funding the capital improvements and the operation and maintenance  
1 costs of such storm water management programs and projects. Such  
2 revenue bonds shall not be a general liability on such city but  
3 shall be secured only by the proceeds of the tax levy described in  
4 section 3 of this act. Such revenue bonds shall be sold for not  
5 less than par and bear interest at a rate set by the city council.  
6 The amount of such revenue bonds, either issued or outstanding,  
7 shall not be included in computing the maximum amount of bonds  
8 which such city may otherwise issue under its charter or under any  
9 statute of this state.

10 Sec. 5. A city described in section 2 of this act may  
11 enter into a contract with any corporation organized under or  
12 authorized by the laws of this state for the purpose of developing,  
13 establishing, and implementing storm water management programs or  
14 projects. The city shall pay for such contract out of the proceeds  
15 of the tax levy authorized pursuant to section 3 of this act.

16 Sec. 6. In addition to other powers authorized by law,  
17 the board of directors of a natural resources district encompassing  
18 a city described in section 2 of this act may develop, establish,  
19 and implement storm water management programs and projects within  
20 the district and fund the capital improvements and the operation  
21 and maintenance costs of such storm water management programs and  
22 projects by making a special levy, not subject to the budgetary  
23 limitations specified in section 13-519 and levy limitations  
24 specified in section 77-3442, which levy shall not exceed one cent  
25 on each one hundred dollars upon the taxable value of all taxable  
26 property in the district. Any funds raised from such levy shall be  
27 placed in a separate fund and shall not be used for any purpose  
1 other than storm water management programs and projects, in

2 cooperation with other public agencies.

3 Sec. 7. A city described in section 2 of this act and a

4 natural resources district encompassing any such city may cooperate

5 with each other, with counties, and with other public agencies as

6 defined in section 13-803 in the development, establishment, and

7 implementation of storm water management programs and projects.

8 Sec. 8. Section 77-3442, Reissue Revised Statutes of

9 Nebraska, is amended to read:

10 77-3442. (1) Property tax levies for the support of

11 local governments for fiscal years beginning on or after July 1,

12 1998, shall be limited to the amounts set forth in this section

13 except as provided in section 77-3444.

14 (2)(a) Except as provided in subdivision (2)(b) of this

15 section, school districts and multiple-district school systems may

16 levy a maximum levy of (i) one dollar and five cents per one

17 hundred dollars of taxable valuation of property subject to the

18 levy for fiscal years 2003-04 and 2004-05 and (ii) one dollar per

19 one hundred dollars of taxable valuation of property subject to the

20 levy for all fiscal years except fiscal years 2003-04 and 2004-05.

21 Excluded from this limitation are amounts levied to pay for sums

22 agreed to be paid by a school district to certificated employees in

23 exchange for a voluntary termination of employment and amounts

24 levied to pay for special building funds and sinking funds

25 established for projects commenced prior to April 1, 1996, for

26 construction, expansion, or alteration of school district

27 buildings. For purposes of this subsection, commenced means any

1 action taken by the school board on the record which commits the

2 board to expend district funds in planning, constructing, or

3 carrying out the project.

4 (b) Federal aid school districts may exceed the maximum

5 levy prescribed by subdivision (2)(a) of this section only to the

6 extent necessary to qualify to receive federal aid pursuant to

7 Title VIII of Public Law 103-382, as such title existed on

8 September 1, 2001. For purposes of this subdivision, federal aid

9 school district means any school district which receives ten

10 percent or more of the revenue for its general fund budget from

11 federal government sources pursuant to Title VIII of Public Law

12 103-382, as such title existed on September 1, 2001.

13 (c) Beginning with school fiscal year 2002-03 through

14 school fiscal year 2004-05, school districts and multiple-district

15 school systems may, upon a three-fourths majority vote of the

16 school board of the school district, the board of the unified

17 system, or the school board of the high school district of the

18 multiple-district school system that is not a unified system,

19 exceed the maximum levy prescribed by subdivision (2)(a) of this

20 section in an amount equal to the net difference between the amount

21 of state aid that would have been provided under the Tax Equity and

22 Educational Opportunities Support Act without the changes made by

23 Laws 2002, LB 898, for the ensuing school fiscal year for the



24 school district or multiple-district school system and the amount  
25 provided under the act as amended by Laws 2002, LB 898. The State  
26 Department of Education shall certify to the school districts and  
27 multiple-district school systems the amount by which the maximum  
1 levy may be exceeded pursuant to subdivision (2)(c) of this section  
2 on or before May 15, 2002, for school fiscal year 2002-03, June 30,  
3 2003, for school fiscal year 2003-04, and February 15, 2004, for  
4 school fiscal year 2004-05.

5 (3) Community colleges may levy a maximum levy on each  
6 one hundred dollars of taxable property subject to the levy of  
7 seven cents for fiscal year 2000-01 and each fiscal year  
8 thereafter, plus amounts allowed under subsection (7) of section  
9 85-1536.01.

10 (4) ~~Natural~~ In addition to the levy provided in section 6  
11 of this act, natural resources districts may levy a maximum levy of  
12 four and one-half cents per one hundred dollars of taxable  
13 valuation of property subject to the levy.

14 (5) Educational service units may levy a maximum levy of  
15 one and one-half cents per one hundred dollars of taxable valuation  
16 of property subject to the levy.

17 (6)(a) ~~Incorporated~~ In addition to the levy provided in  
18 section 3 of this act for cities described in section 2 of this  
19 act, incorporated cities and villages which are not within the  
20 boundaries of a municipal county may levy a maximum levy of  
21 forty-five cents per one hundred dollars of taxable valuation of  
22 property subject to the levy plus an additional five cents per one  
23 hundred dollars of taxable valuation to provide financing for the  
24 municipality's share of revenue required under an agreement or  
25 agreements executed pursuant to the Interlocal Cooperation Act or  
26 the Joint Public Agency Act. The maximum levy shall include  
27 amounts levied to pay for sums to support a library pursuant to  
1 section 51-201, museum pursuant to section 51-501, visiting  
2 community nurse, home health nurse, or home health agency pursuant  
3 to section 71-1637, or statue, memorial, or monument pursuant to  
4 section 80-202.

5 (b) ~~Incorporated~~ In addition to the levy provided in  
6 section 3 of this act for cities described in section 2 of this  
7 act, incorporated cities and villages which are within the  
8 boundaries of a municipal county may levy a maximum levy of ninety  
9 cents per one hundred dollars of taxable valuation of property  
10 subject to the levy. The maximum levy shall include amounts paid  
11 to a municipal county for county services, amounts levied to pay  
12 for sums to support a library pursuant to section 51-201, a museum  
13 pursuant to section 51-501, a visiting community nurse, home health  
14 nurse, or home health agency pursuant to section 71-1637, or a  
15 statue, memorial, or monument pursuant to section 80-202.

16 (7) Sanitary and improvement districts which have been in  
17 existence for more than five years may levy a maximum levy of forty  
18 cents per one hundred dollars of taxable valuation of property

19 subject to the levy, and sanitary and improvement districts which  
20 have been in existence for five years or less shall not have a  
21 maximum levy. Unconsolidated sanitary and improvement districts  
22 which have been in existence for more than five years and are  
23 located in a municipal county may levy a maximum of eighty-five  
24 cents per hundred dollars of taxable valuation of property subject  
25 to the levy.

26 (8) Counties may levy or authorize a maximum levy of  
27 fifty cents per one hundred dollars of taxable valuation of  
1 property subject to the levy, except that five cents per one  
2 hundred dollars of taxable valuation of property subject to the  
3 levy may only be levied to provide financing for the county's share  
4 of revenue required under an agreement or agreements executed  
5 pursuant to the Interlocal Cooperation Act or the Joint Public  
6 Agency Act. The maximum levy shall include amounts levied to pay  
7 for sums to support a library pursuant to section 51-201 or museum  
8 pursuant to section 51-501. The county may allocate up to fifteen  
9 cents of its authority to other political subdivisions subject to  
10 allocation of property tax authority under subsection (1) of  
11 section 77-3443 and not specifically covered in this section to  
12 levy taxes as authorized by law which do not collectively exceed  
13 fifteen cents per one hundred dollars of taxable valuation on any  
14 parcel or item of taxable property. The county may allocate to one  
15 or more other political subdivisions subject to allocation of  
16 property tax authority by the county under subsection (1) of  
17 section 77-3443 some or all of the county's five cents per one  
18 hundred dollars of valuation authorized for support of an agreement  
19 or agreements to be levied by the political subdivision for the  
20 purpose of supporting that political subdivision's share of revenue  
21 required under an agreement or agreements executed pursuant to the  
22 Interlocal Cooperation Act or the Joint Public Agency Act. If an  
23 allocation by a county would cause another county to exceed its  
24 levy authority under this section, the second county may exceed the  
25 levy authority in order to levy the amount allocated.

26 (9) Municipal counties may levy or authorize a maximum  
27 levy of one dollar per one hundred dollars of taxable valuation of  
1 property subject to the levy. The municipal county may allocate  
2 levy authority to any political subdivision or entity subject to  
3 allocation under section 77-3443.

4 (10) Property tax levies for judgments, except judgments  
5 or orders from the Commission of Industrial Relations, obtained  
6 against a political subdivision which require or obligate a  
7 political subdivision to pay such judgment, to the extent such  
8 judgment is not paid by liability insurance coverage of a political  
9 subdivision, for preexisting lease-purchase contracts approved  
10 prior to July 1, 1998, for bonded indebtedness approved according  
11 to law and secured by a levy on property, and for payments by a  
12 public airport to retire interest-free loans from the Department of  
13 Aeronautics in lieu of bonded indebtedness at a lower cost to the

14 public airport are not included in the levy limits established by  
15 this section.

16 (11) The limitations on tax levies provided in this  
17 section are to include all other general or special levies provided  
18 by law. Notwithstanding other provisions of law, the only  
19 exceptions to the limits in this section are those provided by or  
20 authorized by sections 77-3442 to 77-3444.

21 (12) Tax levies in excess of the limitations in this  
22 section shall be considered unauthorized levies under section  
23 77-1606 unless approved under section 77-3444.

24 (13) For purposes of sections 77-3442 to 77-3444,  
25 political subdivision means a political subdivision of this state  
26 and a county agricultural society.

27 Sec. 9. If any section of this act or any part of any  
1 section is declared invalid or unconstitutional, the declaration  
2 shall not affect the validity or constitutionality of the remaining  
3 portions.

4 Sec. 10. Original sections 2-3225 and 77-3442, Reissue  
5 Revised Statutes of Nebraska, are repealed.".

### ANNOUNCEMENT

Senator Chambers designates LB 1085 as his priority bill.

### BILL ON FIRST READING

The following bill was read for the first time by title:

**LEGISLATIVE BILL 644A.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 644, Ninety-eighth Legislature, Second Session, 2004.

### SELECT FILE

**LEGISLATIVE BILL 172.** The Schimek pending amendment, AM2209, found on page 211 and considered in this day's Journal, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Schimek amendment lost with 13 ayes, 29 nays, and 7 present and not voting.

The Chair declared the call raised.

Senator Schimek offered the following amendment:  
AM2361

- 1 1. Insert the following new section:  
2 "Section 1. At least one employee of each school in each  
3 school district with students in grades seven through twelve must  
4 keep on file current written materials that explain the provisions  
5 in section 71-6902 with regard to the requirements for parental  
6 notification as a condition for obtaining an abortion and the  
7 provisions of sections 71-6903 and 71-6904 with regard to seeking a  
8 judicial waiver of the parental notification requirements. If such  
9 employee of the school is approached by a student in grades seven  
10 through twelve with a personal inquiry regarding the topic of  
11 abortion, that employee shall provide the student with such written  
12 materials. The employee may provide additional information  
13 regarding the subject matter if he or she deems it relevant to the  
14 student's particular situation. Providing these materials shall  
15 not be grounds for termination of such employee's employment with  
16 the school district."  
17 2. Renumber the remaining section accordingly.

Senator Chambers offered the following amendment to the Schimek pending amendment:

FA1438

Amend AM2361

In line 12 after "materials." Insert: "Any such inquiry shall be confidential"

Pending.

**LEGISLATIVE BILL 740.** E & R amendment, AM7156, found on page 374, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 236.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 382.** Senator Synowiecki withdrew his pending amendment, AM2244, found on page 324.

Advanced to E & R for engrossment.

## ANNOUNCEMENTS

The Banking, Commerce and Insurance Committee designates LB 999 as its priority bill.

Senator Raikes designates LB 698 as his priority bill.

## STANDING COMMITTEE REPORTS

### Revenue

**LEGISLATIVE BILL 955.** Placed on General File as amended.  
Standing Committee amendment to LB 955:  
AM2365

- 1 1. Strike original section 2.
- 2 2. On page 4, lines 12 through 15 strike the new matter
- 3 and reinstate the stricken matter.
- 4 3. On page 10, line 16, strike ", 77-2793,".
- 5 4. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 986.** Placed on General File as amended.  
Standing Committee amendment to LB 986:  
AM2364

- 1 1. Insert the following new sections:
- 2 "Sec. 3. This act becomes operative on January 1, 2004.
- 3 Sec. 5. Since an emergency exists, this act takes effect
- 4 when passed and approved according to law."
- 5 2. Renumber the remaining section accordingly.

(Signed) David Landis, Chairperson

### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 902.** Placed on General File.  
**LEGISLATIVE BILL 915.** Placed on General File.  
**LEGISLATIVE BILL 939.** Placed on General File.  
**LEGISLATIVE BILL 1130.** Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

### AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 172:  
AM2362

- 1 1. Strike the original section and insert the following
- 2 new sections:
- 3 "Section 1. Section 71-6909, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 71-6909. On or before October 1 of each school year,
- 6 each school district shall provide written information notification
- 7 to all students in grades seven through twelve of the availability
- 8 of written information explaining the provisions of section 71-6902
- 9 with regard to the requirements for parental notification as a
- 10 condition for obtaining an abortion. The information shall also
- 11 explain the provisions of sections 71-6903 and 71-6904 with regard
- 12 to seeking a judicial waiver of the parental notification

13 requirements. The information shall be provided to a student upon  
14 the request of that student. The provisions of this section shall  
15 be narrowly construed to require a school district to provide only  
16 the information specified in this section. The provisions of this  
17 section shall not be construed to require a school district to  
18 provide specific information regarding how students may implement  
19 the judicial bypass provisions of section 71-6903. The State  
20 Department of Education shall develop and distribute to all public  
21 schools a standardized information form which may be used to comply  
22 with this section. ~~The standardized information form shall be~~  
23 ~~approved by the State Board of Education following opportunity for~~  
24 ~~public testimony at a public hearing of the board.~~  
1 Sec. 2. Original section 71-6909, Reissue Revised  
2 Statutes of Nebraska, is repealed."

Senator Wehrbein filed the following amendment to LB 279:  
AM2353

(Amendments to E & R amendments, AM7162)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 60-302, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 60-302. (1) No motor vehicle, trailer, semitrailer, or
- 5 cabin trailer, unless otherwise expressly provided, shall be
- 6 operated or parked on the highways of this state unless the vehicle
- 7 is registered in accordance with Chapter 60, article 3. There
- 8 shall be a rebuttable presumption that any vehicle stored and kept
- 9 more than thirty days in the state is being operated or parked on
- 10 the highways of this state and shall be registered in accordance
- 11 with Chapter 60, article 3, from the date of title of the motor
- 12 vehicle or, if no transfer in ownership of the motor vehicle has
- 13 occurred, from the expiration of the last registration period for
- 14 which the motor vehicle was registered. Every owner of a vehicle
- 15 required to be registered shall make application for registration
- 16 to the county treasurer of the county in which the vehicle has
- 17 situs as defined in section 60-3001. The application shall be a
- 18 copy of a certificate of title or, in the case of a renewal of a
- 19 registration, the application shall be the previous registration
- 20 period's certificate. A salvage branded certificate of title and a
- 21 nontransferable certificate of title provided for in section 60-131
- 22 shall not be valid for registration purposes.
- 23 (2) An application for registration of a motor vehicle
- 1 shall be accompanied by proof of financial responsibility or
- 2 evidence of insurance covering the motor vehicle. Proof of
- 3 financial responsibility shall be evidenced by a copy of proof of
- 4 financial responsibility filed pursuant to subdivision (2), (3), or
- 5 (4) of section 60-528 bearing the seal of the Department of Motor
- 6 Vehicles. Evidence of insurance shall give the effective dates of
- 7 the automobile liability policy, which dates shall be evidence that
- 8 the coverage is in effect on and following the date of

9 registration, and shall designate, by explicit description or by  
10 appropriate reference, all motor vehicles covered. Evidence of  
11 insurance in the form of a certificate of insurance for fleet  
12 vehicles may include, as an appropriate reference, a designation  
13 that the insurance coverage is applicable to all vehicles owned by  
14 the named insured, or wording of similar effect, in lieu of an  
15 explicit description. Proof of financial responsibility also may  
16 be evidenced by (a) a check by the department or its agents of the  
17 motor vehicle insurance data base created under section 60-302.05  
18 or (b) any other automated or electronic means as prescribed or  
19 developed by the department.

20 (3) Any nonresident owner who desires to register a  
21 vehicle or vehicles in this state shall register in the county  
22 where the vehicle is domiciled or where the owner conducts a bona  
23 fide business.

24 (4) Each new application shall contain, in addition to  
25 other information as may be required by the department, the name  
26 and post office address of the applicant and a description of the  
27 vehicle, including the color, the manufacturer, the identification  
1 number, and the weight of the vehicle required by Chapter 60,  
2 article 3. With the application the applicant shall pay the proper  
3 registration fee as provided in sections 60-305.08 to 60-339 and  
4 shall state whether the vehicle is propelled by alternative fuel as  
5 defined in section 66-686 and, if alternative fuel, the type of  
6 fuel. The form shall also contain a notice that bulk fuel  
7 purchasers may be subject to federal excise tax liability. The  
8 department shall prescribe a form, containing the notice, for  
9 supplying the information for vehicles to be registered. The  
10 county treasurer shall include the form in each mailing made  
11 pursuant to section 60-3003. The county treasurer or his or her  
12 agent shall notify the Motor Fuel Tax Enforcement and Collection  
13 Division of the Department of Revenue whenever a vehicle powered by  
14 an alternative fuel as defined in section 66-686 is registered.  
15 The notification shall include the name and address of the  
16 registrant, the date of registration, the type of motor vehicle  
17 registered, and the type of alternative fuel used to propel the  
18 vehicle as indicated on the registration application.

19 (5) The county treasurer or his or her agent shall  
20 collect, in addition to the registration fees, one dollar and fifty  
21 cents for each certificate issued and shall remit one dollar and  
22 fifty cents of each additional fee collected to the State Treasurer  
23 for credit to the Department of Motor Vehicles Cash Fund.

24 (6) The county treasurer or his or her agent shall  
25 collect, in addition to other registration fees, fifty cents for  
26 each certificate issued and shall remit the fee to the State  
27 Treasurer for credit to the Nebraska Emergency Medical System  
1 Operations Fund.

2 (7) The county treasurer or his or her agent shall  
3 collect, in addition to other registration fees, one dollar and

- 4 fifty cents for each certificate issued and shall remit the fee to  
5 the State Treasurer for credit to the State Recreation Road Fund.
- 6 (8) If a citation is issued to an owner or operator of a  
7 vehicle for a violation of this section and the owner properly  
8 registers and licenses the vehicle not in compliance and pays all  
9 taxes and fees due and the owner or operator provides proof of such  
10 registration to the prosecuting attorney within ten days after the  
11 issuance of the citation, no prosecution for the offense cited  
12 shall occur. However, the county treasurer or his or her agent  
13 shall collect, in addition to such taxes and fees due, a late fee  
14 for all late registrations as follows: (a) Thirty to sixty days  
15 late, twenty-five dollars; (b) sixty-one to ninety days late, fifty  
16 dollars; and (c) ninety-one or more days late, one hundred dollars.
- 17 (9) If a county board consolidates services under the  
18 office of a designated county official other than the county  
19 treasurer pursuant to section 23-186, the powers and duties of the  
20 county treasurer relating to registration under sections 60-301 to  
21 60-347 shall be performed by the designated county official.
- 22 (10) A county treasurer or county official or his or her  
23 agent may accept credit cards, charge cards, debit cards, or  
24 electronic funds transfers as a means of payment for registration  
25 pursuant to section 13-609.
- 26 (11) For the period January 1, 2003, through December 31,  
27 2005, the county treasurer or his or her agent shall collect, in  
1 addition to the other registration fees, twenty-five cents for each  
2 certificate issued to pay for the costs of the motor vehicle  
3 insurance data base created under section 60-302.05 and shall remit  
4 such additional fee to the State Treasurer for credit to the  
5 Department of Motor Vehicles Cash Fund".
- 6 2. On page 13, line 25, strike "section" and insert  
7 "sections 60-302 and".
- 8 3. Renumber the remaining sections accordingly.

Senator Wehrbein filed the following amendment to LB 279:  
AM2354

(Amendments to E & R amendments, AM7162)

- 1 1. Insert the following new section:  
2 "Sec. 4. Section 60-339, Reissue Revised Statutes of  
3 Nebraska, is amended to read:  
4 60-339. Upon application to register any motor vehicle,  
5 no registration ~~fee~~ fees provided by Chapter 60, article 3, the  
6 motor vehicle tax imposed in section 60-3002, and the motor vehicle  
7 fee under section 60-3007 shall be required to be paid thereon for  
8 any previous registration period during which such motor vehicle  
9 was not at any time used or driven upon any public highway within  
10 this state, and the person desiring to register such motor vehicle  
11 without payment of such taxes and fees for previous registration  
12 periods shall file with the county treasurer or designated county  
13 official as provided in section 60-302 an affidavit showing where,



14 when, and for how long such motor vehicle was stored and that the  
15 ~~same~~ motor vehicle was not used in this state during such  
16 registration period or periods, and upon receipt ~~thereof~~ of such  
17 affidavit the county treasurer or designated county official shall  
18 issue a registration certificate. If no affidavit is filed or if  
19 the affidavit filed is proved to be false all such taxes and fees  
20 due for any previous registration period or periods shall be paid  
21 prior to the issuance of a registration certificate.".

22 2. On page 13, line 25, after "Original" insert "section  
23 60-339, Reissue Revised Statutes of Nebraska,".

1 3. Renumber the remaining section accordingly.

Senator Beutler filed the following amendment to LB 227:  
AM2332

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. Section 60-6,265, Reissue Revised Statutes  
4 of Nebraska, is amended to read:  
5 60-6,265. For purposes of sections 60-6,266 to 60-6,273,  
6 occupant protection system ~~shall mean~~ means a system utilizing a  
7 lap belt, a shoulder belt, or any combination of belts installed in  
8 a motor vehicle which (1) restrains drivers and passengers and (2)  
9 conforms to Federal Motor Vehicle Safety Standards, 49 C.F.R.  
10 571.207, 571.208, 571.209, and 571.210, as such standards existed  
11 on January 1, 2004, or to the federal motor vehicle safety  
12 standards for passenger restraint systems applicable for the motor  
13 vehicle's model year.  
14 Sec. 2. Section 60-6,267, Revised Statutes Supplement,  
15 2002, is amended to read:  
16 60-6,267. (1) Any person in Nebraska who drives any  
17 motor vehicle which has or is required to have an occupant  
18 protection system shall ensure that:  
19 (a) All children up to six years of age being transported  
20 ~~in~~ by such vehicle use a child passenger restraint system of a type  
21 which meets Federal Motor Vehicle Safety Standard 213 as developed  
22 by the National Highway Traffic Safety Administration, as such  
23 standard existed on ~~July 20, 2002~~ January 1, 2004, and which is  
24 correctly installed in such vehicle; and  
1 (b) All children six years of age and less than ~~sixteen~~  
2 ~~eighteen~~ years of age being transported ~~in~~ by such vehicle use an  
3 occupant protection system.  
4 This subsection shall apply to every motor vehicle which  
5 is equipped with an occupant protection system or is required to be  
6 equipped with restraint systems pursuant to Federal Motor Vehicle  
7 Safety Standard 208, as such standard existed on ~~July 20, 2002~~  
8 January 1, 2004, except taxicabs, mopeds, motorcycles, and any  
9 motor vehicle designated by the manufacturer as a 1963 year model  
10 or earlier which is not equipped with an occupant protection  
11 system.

12 (2) Whenever any licensed physician determines, through  
13 accepted medical procedures, that use of a child passenger  
14 restraint system by a particular child would be harmful by reason  
15 of the child's weight, physical condition, or other medical reason,  
16 the provisions of subsection (1) of this section shall be waived.  
17 The driver of any vehicle transporting such a child shall carry on  
18 his or her person or in the vehicle a signed written statement of  
19 the physician identifying the child and stating the grounds for  
20 such waiver.

21 (3) The drivers of authorized emergency vehicles shall  
22 not be subject to the requirements of subsection (1) of this  
23 section when operating such authorized emergency vehicles pursuant  
24 to their employment.

25 (4) A driver of a motor vehicle shall not be subject to  
26 the requirements of subsection (1) of this section if:

27 (a) An employee under the age of eighteen years,  
1 including agricultural workers, is engaged in the necessary  
2 discharge of the employee's duty within a truck body in space  
3 intended for merchandise or cargo; or

4 (b) The motor vehicle is being operated in a parade or  
5 exhibition and the parade or exhibition is being conducted in  
6 accordance with applicable state law and local ordinances and  
7 resolutions.

8 (5) The Department of Motor Vehicles shall develop and  
9 implement an ongoing statewide public information and education  
10 program regarding the use of child passenger restraint systems and  
11 occupant protection systems and the availability of distribution  
12 and discount programs for child passenger restraint systems.

13 ~~(5)~~ (6) All persons being transported ~~in~~ by a motor  
14 vehicle operated by a holder of a provisional operator's permit or  
15 a school permit shall use such motor vehicle's occupant protection  
16 system.

17 Sec. 3. Section 60-6,268, Revised Statutes Supplement,  
18 2002, is amended to read:

19 60-6,268. (1) A person violating any provision of  
20 subsection (1) of section 60-6,267 shall be guilty of an infraction  
21 as defined in section 29-431 and shall be fined twenty-five dollars  
22 for each violation. The failure to provide a child restraint  
23 system for more than one child in the same vehicle at the same  
24 time, as required in such subsection, shall not be treated as a  
25 separate offense.

26 (2) Enforcement of subdivision (1)(b) and subsection ~~(5)~~

27 (6) of section 60-6,267 shall be accomplished only as a secondary  
1 action when an operator of a motor vehicle has been cited or  
2 charged with a violation or some other offense unless the violation  
3 involves a person under the age of eighteen years riding in or on  
4 any portion of the vehicle not designed or intended for the use of  
5 passengers when the vehicle is in motion.

6 Sec. 4. Original section 60-6,265, Reissue Revised

7 Statutes of Nebraska, and sections 60-6,267 and 60-6,268, Revised  
8 Statutes Supplement, 2002, are repealed."

Senator Vrtiska filed the following amendment to LB 353:  
AM2367

1 1. Strike original section 1 and all amendments thereto  
2 and insert the following new section:  
3 "Section 1. Section 60-4,125, Revised Statutes  
4 Supplement, 2002, is amended to read:  
5 60-4,125. For any minor convicted or adjudicated of  
6 violating the terms of an LPD-learner's permit issued pursuant to  
7 section 60-4,123 or an LPE-learner's permit issued pursuant to  
8 section 60-4,124, the court shall, in addition to any other penalty  
9 or disposition, order the impoundment or revocation of such  
10 learner's permit and order that such minor shall not be eligible  
11 for another operator's license or school, farm, LPD-learner's, or  
12 LPE-learner's permit until he or she has attained the age of  
13 sixteen years.  
14 A copy of the court's abstract or adjudication shall be  
15 transmitted to the director who shall place in an impound status or  
16 revoke the LPD-learner's or LPE-learner's permit of such minor in  
17 accordance with the order of the court and not again issue another  
18 operator's license or school, farm, LPD-learner's, or LPE-learner's  
19 permit to such minor until such minor has attained the age of  
20 sixteen years."

Senator Baker filed the following amendment to LB 560:  
AM2370

(Amendments to E & R amendments, AM7159)

1 1. On page 9, line 1; and page 30, line 16, strike "ten"  
2 and insert "thirty".  
3 2. On page 42, line 4, reinstate the stricken matter and  
4 strike the new matter.

## **STANDING COMMITTEE REPORT**

### **Education**

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Board of Educational Lands and Funds  
Demarus Carlson

VOTE: Aye: Senators Byars, McDonald, Maxwell, Raikes, Schrock, and  
Stuhr. Nay: None. Absent: Senators Bourne and Brashear.

(Signed) Ron Raikes, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Byars asked unanimous consent to have his name added as cointroducer to LB 879. No objections. So ordered.

Senator Tyson asked unanimous consent to have his name added as cointroducer to LB 958. No objections. So ordered.

Senator Combs asked unanimous consent to have her name added as cointroducer to LB 1054. No objections. So ordered.

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 1244. No objections. So ordered.

Senators Combs and Redfield asked unanimous consent to have their names added as cointroducers to LB 1246. No objections. So ordered.

**WITHDRAW - Cointroducer**

Senator Jones withdrew his name as cointroducer to LB 1176.

**VISITORS**

Visitors to the Chamber were 9 students and teacher from the Lincoln Public Schools; and 50 fourth-grade students and teacher from Longfellow Elementary School, Hastings.

**ADJOURNMENT**

At 11:54 a.m., on a motion by Speaker Bromm, the Legislature adjourned until 9:00 a.m., Monday, February 2, 2004.

Patrick J. O'Donnell  
Clerk of the Legislature